

**Opening Statement  
Chairman Mark Souder**

**“Interrupting Narco-terrorist Threats on the High Seas:  
Do We Have Enough Wind in Our Sails?”**

**Subcommittee on Criminal Justice, Drug Policy  
And Human Resources  
Committee on Government Reform**

**June 29, 2005**

Good afternoon and thank you all for coming. Today we will examine how drugs are make their way through the Transit Zone prior to arriving in Mexico for shipment into the United States.

Let me begin by conveying my intense displeasure with the manner in which USSOUTHCOM has worked with Congress. Similar to the treatment Congress receives from USCENTCOM, Southern Command avoids responding to Congressional oversight of its counterdrug responsibilities. The Subcommittee asked five simple questions for the record after a Subcommittee visit to USSOUTHCOM’s headquarters in January. The answers to these simple questions were known by DHS agencies months ago, yet USSOUTHCOM has chosen not to share these answers with Congress – perhaps the decision was to wait six months until after today’s hearing before transmitting the answers to the Subcommittee questions, perhaps we’ll never get the answers. This lack of cooperation, combined with a commitment to control rather than support Interagency counterdrug efforts leads me to question DoD’s drug interdiction motivations.

That said, this hearing with may serve to change the course of future drug funding to enable the execution of transit zone drug interdiction operations. But let me say that the big picture in the transit zone is disturbing. For the first time, our actionable intelligence exceeds our interdiction capabilities in the transit zone. In other words, the Federal government knows of specific boatloads of drugs heading north that we cannot intercept because of lack of interception assets in the Caribbean and the Eastern Pacific. The intelligence breakthrough is a recent development resulting from the very successful Operation Panama Express, an interagency intelligence-driven program managed by the Departments of Justice and Homeland Security. Due to this impressive intelligence cueing, Joint Inter Agency Task Force (JIATF) South now has improved insight into where, when and how much cocaine will be smuggled through the transit zones. All of our federal agencies need a special “well done” from Congress for the record cocaine seizures in 2004. The hearing today is not meant to criticize, but rather look to improve on major successes in U.S. drug interdiction efforts.

While the accomplishments of Panama Express should not go unnoticed, our asset shortfalls in the transit zone raise serious concerns about our ability to interdict known smuggling events. On May 10, 2005 this Subcommittee held a hearing entitled “2006 DoD

Counternarcotics Budget: Does It Deliver the Necessary Support?” In the hearing Marybeth Long, Deputy Assistant Secretary of Defense for Counternarcotics, testified that, “The Navy’s problem with the P-3s, which affects not only the Department’s counternarcotics assets, but the availability of maritime patrol aircraft worldwide, has been well documented and discussed.”

Regrettably, the Navy failed to properly anticipate the inevitable fate of an old airframe employed primarily in a corrosive, salty air environment. The Navy’s P-3 replacement is not projected to begin service until 2012, with an uncertain date for employment in counterdrug activities in the transit zone.

Through the insistence of the U.S. Interdiction Coordinator and the JIATF-South commander, DHS has stepped up marine patrol aircraft flight hours to backfill the loss of DoD assets. With DHS taking on a bigger role in transit zone interdiction operations, I would like to focus our discussion today on the following five topics that will affect future counterdrug operations in the transit zone.

First, while I support the increased transit zone flight hours flown by the Coast Guard and Homeland Security’s Air and Marine Operations (AMO), I question whether the extra hours are sustainable and am interested in the costs for the increased operational tempo. According to JIATF-South figures, AMO flew a total of 578 hours in the transit zone in calendar year 2003. Now we are told that AMO has increased this figure to over 800 hours per month in 2005. Similarly, the Coast Guard has also significantly increased their flight hours to meet the loss of Navy P-3 counterdrug flight hours. Like the Navy, both the Coast Guard and AMO fly old airframes that have finite lives. The increase of flying hours significantly impacts the agency’s ability to operate in the future. Yet only the Coast Guard has an approved comprehensive modernization plan that addresses these future shortfalls.

Second, Section 124 of Title 10 states, “The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.” The language for this law was framed in the National Defense Authorization Act of 1990-91. Federal law enforcement’s ability to engage in counterdrug operations has significantly matured since 1989, when this legislation was passed. Since then, DoD’s responsibilities have changed, and Congress formed the Department of Homeland Security, combining the federal law enforcement agencies that currently supply the bulk of the aviation and marine assets deployed in the transit zone. Consequently, I believe now is the time that the Department of Homeland Security should take on the primary responsibility for counterdrug detection and monitoring from the Department of Defense.

Third, the push to make Joint Task Force North a Joint Interagency Task Force will potentially place DoD as an overseer of domestic law enforcement interdiction programs. Lack of unity within the Interagency has allowed DoD to take the lead in areas that have traditionally been accomplished by law enforcement agencies. Therefore it is imperative that DHS and the Interagency should become more involved in the future JIATF process. In order to have an effective joint interagency program, federal law enforcement agencies must be willing to man JIATF South and any future JIATFs with employees capable of filling critical command and operations specialist positions. Conversely, the JIATF’s must provide administrative and

logistical incentives for federal law enforcement agencies to assign qualified employees to their locations.

Fourth, the transit zone, like the southwest border, lacks a strategic, comprehensive, layered, interagency plan that incorporates the operational demands of post 9/11 operations and the recent actionable intelligence improvements. Without a National Interdiction Plan, agency roles and responsibilities are not properly delineated resulting in a haphazard way of requesting national air and marine assets. The U.S. Interdiction Coordinator laid the groundwork for this strategy by the forming the Interdiction Planning and Asset Group. Unfortunately the latest report for Interdiction Asset Requirements is out of date and does not truly reflect the current enhanced intelligence capabilities, nor does it take into account a post 9/11 environment.

Fifth, DHS air responsibilities like airspace security, potentially take away flight hours away from transit zone operations. Currently, it is unclear which DHS agency will be responsible for airspace security in the National Capitol Region and special security events. Both DHS candidates for the responsibilities are the major transit zone asset providers, namely the U.S. Coast Guard and the Office of Air and Marine Operations. If the current air assets in the National Capitol Region were diverted to counterdrug operations in the transit zone, DEA and DHS could perform interagency interdiction operations in places like Guatemala, where increasing amounts of cocaine land from transit zone maritime and air smuggling ventures.

Today we have a panel of very experienced witnesses to help answer these and other questions posed by the Subcommittee. We are pleased to welcome Mr. Ralph Utley, acting United States Interdiction Coordinator, Admiral Dennis Sirois, U.S. Coast Guard's Assistant Commandant for Operations, Admiral Jeffrey Hathaway, Director, Joint Interagency Task Force South, Mr. Charles Stallworth, Customs and Border Protection's acting Assistant Commissioner for the Office of Air and Marine Operations, and Mr. Thomas Harrigan, Drug Enforcement Administration's Chief of Enforcement Operations. We look forward to your testimony and insight into this important topic.